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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON**

**JOSEPH AND DENISE YANEZ,** ) Case No. **CV-08-399-LRS**  
)  
Plaintiffs, ) **COMPLAINT FOR VIOLATION**  
) **OF FEDERAL FAIR DEBT**  
vs. ) **COLLECTION PRACTICES ACT**  
) **AND INVASION OF PRIVACY**  
**COLLECTCORP CORPORATION,** )  
)  
Defendant. )  
)

**I. NATURE OF ACTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington, Chapter 19.16, both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices. Plaintiffs further alleges a claim for invasion of privacy by intrusion, ancillary to Defendant's collection efforts.

COMPLAINT FOR VIOLATIONS OF THE FAIR  
DEBT COLLECTION PRACTICES ACT-5

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2  
3 **II. JURISDICTION**

4 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

5 **III. PARTIES**  
6

7 3. Plaintiffs, Joseph and Denise Yanez, are natural person residing in the  
8 State of Washington, County of Douglas, and City of Palisades.

9  
10 4. Plaintiffs are “consumers” as defined by the FDCPA, 15 U.S.C. §  
11 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

12 5. At all relevant times herein, Defendant, Collectcorp Corporation,  
13 (“Defendant”) was a company engaged, by use of the mails and telephone, in the  
14 business of attempting to collect a “debt” from Plaintiffs, as defined by 15 U.S.C.  
15 §1692a(5).  
16  
17

18 6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §  
19 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).  
20

21 **IV. FACTUAL ALLEGATIONS**

22 7. At various and multiple times prior to the filing of the instant complaint,  
23 including within the one year preceding the filing of this complaint, Defendant  
24 contacted Plaintiffs in an attempt to collect an alleged outstanding debt.  
25  
26  
27

Defendant's conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to:

- a. Without having received the prior consent of Plaintiff or the express permission of a court of competent jurisdiction, and without it being necessary to effect a post-judgment remedy, communicating with a third party other than in the manner prescribed by 15 USC § 1692b (§ 1692c(b));
- b. In connection with an attempt to collect an alleged debt from Plaintiff, contacting a third party for purposes other than obtaining location information (§ 1692b & § 1692c(b));
- c. Causing Plaintiffs telephone to ring repeatedly or continuously with intent to harass, annoy or abuse Plaintiff (§ 1692d(5));
- d. Communicating with Plaintiff at times or places which were known or should have been known to be inconvenient for Plaintiff, including contacting Plaintiff at 6:30 am (§ 1692c(a)(1));
- e. Threatening to take an action against Plaintiff that cannot be legally taken or that was not actually intended to be taken, including threatening to contact the relatives of Joseph Yanez in attempt to coerce him to pay on the debt (§ 1692e(5));
- f. Failing to disclose Defendants true corporate or business name in a telephone call to Plaintiff (§ 1692d(6)).

9. Defendant's aforementioned activities, set out in paragraph 8, also constitute an intentional intrusion into Plaintiffs' private places and into private matters of Plaintiffs' life, conducted in a manner highly offensive to a reasonable person. With respect to the setting that was the target of Defendant's intrusions, Plaintiffs had a subjective expectation of privacy that was objectively reasonable under the circumstances.

1           10. As a result of Defendant's behavior, detailed above, Plaintiffs  
2 suffered and continues to suffer injury to Plaintiffs' feelings, personal humiliation,  
3 embarrassment, mental anguish and emotional distress.  
4

5                           **COUNT I: VIOLATION OF FAIR DEBT**  
6                           **COLLECTION PRACTICES ACT**  
7

8           11. Plaintiffs reincorporates by reference all of the preceding paragraphs.  
9

10                           **PRAYER FOR RELIEF**

11           WHEREFORE, Plaintiffs respectfully prays that judgment be entered  
12 against the Defendant for the following:

- 13                   A. Declaratory judgment that Defendant's conduct  
14                   violated the FDCPA;  
15                   B. Actual damages;  
16                   C. Statutory damages;  
17                   D. Costs and reasonable attorney's fees; and,  
18                   E. For such other and further relief as may be just and proper.  
19

20                           **COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY**  
21                           **ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON**  
22                           **CONSUMER PROTECTION ACT**  
23

24           12. Plaintiffs reincorporates by reference all of the preceding paragraphs.  
25  
26  
27

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully prays that judgment be entered against the Defendant for the following:

- B. Actual damages;
- C. Discretionary Treble Damages;
- D. Costs and reasonable attorney's fees,
- F. For such other and further relief as may be just and proper.

**COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION**

13. Plaintiffs reincorporates by reference all of the preceding paragraphs.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages
- B. Punitive Damages; and,
- C. For such other and further relief as may be just and proper.

Respectfully submitted this 24<sup>th</sup> day of December, 2008.

s/Jon N. Robbins  
Jon N. Robbins  
WEISBERG & MEYERS, LLC  
Attorney for Plaintiffs